United Nations S/2010/338

Security Council

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The Security Council,

Recalling its previous resolutions, in particular resolutions 1924 (2010), 1911 (2010), and 1893 (2009), and the statements of its President relating to the situation in Côte d'Ivoire, and resolution 1885 (2009) on the situation in Liberia,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and recalling the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the Agreement signed by President Laurent Gbagbo and Mr. Guillaume Soro in Ouagadougou on 4 March 2007 ("the Ouagadougou Political Agreement", S/2007/144), and that it welcomed the four subsequent Supplementary Agreements,

Recalling again that in its resolution 1721 (2006), it notably endorsed the decision of the African Union Peace and Security Council on the mandate of the Head of State, and *recalling* further that in the statement of its President dated 28 March 2007 (S/PRST/2007/8), it endorsed the Ouagadougou Political Agreement, including its Chapter V on the institutional executive framework, and that this Agreement provided for a period of ten months for the holding of the presidential elections,

Expressing again its appreciation to President Blaise Compaoré of Burkina Faso ("the Facilitator") for his critical role and his continued efforts to support the peace process in Côte d'Ivoire, in particular through the Ouagadougou Political Agreement follow-up mechanisms, commending and encouraging the continued efforts of the African Union and the Economic Community of West African States ("ECOWAS") to promote peace and stability in Côte d'Ivoire, and reiterating its full support for them,

Stressing the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments, the substantial engagement in which is more likely to lead to a sustainable peace when the parties to a conflict abide by their commitments and obligations, *welcoming* the intention of the Secretary-General to keep all peacekeeping operations under close review and *noting* the importance of contingency planning,

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Reiterating its strong condemnation of any attempt to destabilize the peace process, in particular by force, and expressing its intention to examine without delay the situation should any such attempt take place,

Having taken note of the Secretary-General's report dated 20 May 2010 (S/2010/245),

Noting again with concern, in spite of the sustained efforts to improve the overall human rights situation, the persistence of reported human rights and humanitarian law violations against civilians in different parts of the country, including numerous acts of sexual violence met with impunity, stressing that the perpetrators must be brought to justice, reiterating its firm condemnation of all violations of human rights and international humanitarian law in Côte d'Ivoire, and recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women, peace and security, its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict and its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

(*"Supporting the Ouagadougou political process and a credible electoral process"*)

1. *Recalls* that the last presidential elections in Côte d'Ivoire were held on 22 October 2000, and *expresses its deep concern* at the continuing delays in the electoral process and the absence of a time frame for the holding of open, free, fair and transparent elections in Côte d'Ivoire and *stresses* that the events of February 2010 showed how fragile and unstable the situation remains;

2. *Urges* the relevant Ivorian stakeholders to ensure the publication of the final voters list without further delay, on the basis of the provisional list published in November 2009 and certified by the Special Representative of the Secretary-General, to announce the official date of the first round of the presidential election and to meet their commitments in full, *stresses* that it will hold the Ivorian parties fully accountable and *notes* the joint statement issued on 2 May 2010 by the Prime Minister and the President of the Independent Electoral Commission and the work undertaken on a part of the provisional voters list;

3. *Reiterates* its determination to bring its full support to a credible electoral process in Côte d'Ivoire, and *stresses* that the publication of a final voters list certified by the Special Representative of the Secretary-General is crucial for the holding of open, free, fair and transparent elections as well as for the completion of the disarmament and reunification processes, as highlighted by the Secretary-General in his report S/2010/245;

4. *Reiterates further* that the Special Representative of the Secretary-General shall certify that all stages of the electoral process provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections in accordance with international standards and *reaffirms* its full support to the Special Representative of the Secretary-General in his certification role;

5. *Stresses* that it will base its assessment of the electoral process on the certification that will be prepared by the Special Representative consistent with the five-criteria framework referred to in document S/2008/250 and after inclusive contacts with all stakeholders in Côte d'Ivoire, including civil society;

6. *Reiterates* the importance of the inclusive participation of Ivorian civil society in the electoral process, and of ensuring the equal protection of and respect for the human rights of every Ivorian as they relate to the electoral system, and in particular respect for freedom of opinion and expression, and removing obstacles and challenges to women's participation and full involvement in public life;

7. *Urges* again the political parties to comply fully with the Code of Good Conduct for elections, which they signed under the auspices of the Secretary-General, *recalls* the importance for the public throughout the country to have access to pluralistic and diverse information through the media and urges further all relevant Ivorian stakeholders to allow equitable and broader access to media and in particular the Ivorian authorities to allow equitable access to State media;

8. *Expresses its concerns* at the delays encountered in deploying and operationalizing the mixed units of the Integrated Command Centre responsible to secure the elections and *urges* the Ivorian parties to take concrete steps in this regard;

9. *Urges* the Government of Côte d'Ivoire to provide the operators involved in the electoral process with the necessary support, and encourages the international community to continue its support to the electoral process, including, with the agreement of the Ivorian authorities, by providing electoral observation capacity and related technical assistance;

10. *Urges* every Ivorian to refrain from any call for hatred, intolerance and violence, *notes* with interest that in his report (S/2010/245) the Secretary-General encouraged the Security Council to impose targeted sanctions against media actors who fan political tension and incite violence and *reiterates* that it is fully prepared to impose targeted measures pursuant to paragraphs 6 and 20 of resolution 1893 (2009), including among other things against persons who are determined to be a threat to the peace and national reconciliation process in Côte d'Ivoire or to be publicly inciting hatred and violence;

11. *Urges again* the Ivorian parties, with the support of the United Nations Operation in Côte d'Ivoire (UNOCI) as applicable, to make further concrete progress, before and after the elections, to advance the reunification and disarmament processes, including by covering the expenses required for these processes as set out in the framework of the Ouagadougou Political Agreement;

12. *Stresses* that the identification process is key to the long-term stability of the Côte d'Ivoire and *calls again upon* the Ivorian parties to continue the identification operations, including after the elections;

13. *Condemns* the persistence of reported human rights violations, in particular sexual violence, and *calls* upon all Ivorian parties, with the continued support of UNOCI, to ensure the protection of civilians, especially women, children and displaced persons, to fully implement the recommendations of its working group on Children and Armed Conflict in Côte d'Ivoire (S/AC.51/2008/5), notably to adopt and implement a national action plan to address sexual violence, and to

ensure that rule of law is strengthened and that all reported abuses are investigated and those responsible for such violations be brought to justice, *calls further* upon all parties to take appropriate measures to refrain from, prevent and protect civilians from all forms of sexual violence and *reaffirms* paragraphs 14 to 17 of its resolution 1880 (2009);

14. *Urges* the signatories of the Ouagadougou Political Agreement to work towards a sustainable solution for the voluntary return, reinstallation, reintegration and security of displaced persons, including by addressing land tenure issues, with the support of the United Nations system, and to fulfil in this regard their commitments in accordance with the Ouagadougou Political Agreement and their obligations under international law;

15. *Requests* UNOCI, when implementing paragraph 16 below, to prioritize the consolidation of the stability of the country, including as determined in paragraph 16 b below, and the establishment of the final voters list, which is crucial for the peace process as a whole;

(*"Mandating the United Nations Operations in Côte d'Ivoire"*)

16. *Decides* that, in order to support the parties to implement the Ouagadougou Political Agreement more effectively, UNOCI shall have the following mandate from the date of adoption of this resolution until 31 December 2010:

Contributing to the consolidation of the stability of the country

(a) Monitoring the armed groups

- To observe and monitor the implementation of the Ouagadougou Political Agreement of March 2007 as far as the armed groups are concerned, to prevent, within its capabilities and its areas of deployment, any hostile action, including against civilians, and to investigate and report on any act of violence committed by the Ivorian parties to the Ouagadougou Political Agreement,

- To support the Integrated Command Centre (ICC) through continued technical advice, training and logistical support and to participate in the patrols of the ICC mixed units in sensitive areas,

- To liaise with the National Armed Forces of Côte d'Ivoire (FANCI) and the military elements of the Forces nouvelles, in coordination with the French forces, in order to promote mutual trust among all the Ivorian forces involved and to ease tensions,

- To assist the Government of Côte d'Ivoire in monitoring the borders, with particular attention to any crossborder movement of combatants or transfer of arms and to the situation of Liberian refugees in close coordination with the United Nations Mission in Liberia,

- To support, in coordination with the Ivorian authorities, the provision of security for members of the Government of Côte d'Ivoire and key political stakeholders, in view of the preparation and the holding of the elections,

(b) Protection of civilians

To protect, without prejudice to the primary responsibility of the Ivorian authorities, civilians under imminent threat of physical violence, within its capabilities and its areas of deployment, including in high risk areas identified by UNOCI on the basis of the comprehensive protection of civilians strategy and the threat assessment referred to in the report of the Secretary-General (S/2010/245),

To work closely with humanitarian agencies, particularly in relation to areas of tensions and of return of displaced persons, to exchange information on possible outbreaks of violence and other threats against civilians in order to respond thereto in a timely and appropriate manner,

(c) Monitoring of the arms embargo

To monitor the implementation of the measures imposed by paragraph 7 of resolution 1572 (2004), in cooperation with the Group of Experts established under resolution 1584 (2005), including by inspecting, as they deem it necessary and when appropriate without notice, all weapons, ammunition and related materiel regardless of location, consistent with its resolution 1893 (2009),

To collect, as appropriate, arms and any related materiel brought into Côte d'Ivoire in violation of the measures imposed by paragraph 7 of resolution 1572 (2004), and to dispose of such arms and related materiel as appropriate,

(d) Public information

To promote the peace process arising from the Ouagadougou Political Agreement throughout the territory of Côte d'Ivoire through the Mission's public information capacity, in particular its radio broadcasting capability through UNOCI FM,

To encourage the Ivorian mass media and the main political actors to fully implement the Code of Good Conduct for elections that the Ivorian parties have signed under the auspices of the Secretary-General as well as to sign up and adhere to the Code of Good Conduct for the media,

To monitor any public incidents of incitement to hatred, intolerance and violence, to bring to the attention of the Council all individuals identified as instigators of political violence, and to keep the Committee established under resolution 1572 (2004) regularly informed of developments in this regard,

(e) Assistance in the field of human rights

To contribute to the promotion and protection of human rights in Côte d'Ivoire, with special attention to violations committed against children and women and to all forms of sexual violence, to monitor, help investigate and report on human rights and humanitarian law violations with a view to ending impunity, including as called for in resolutions 1612 (2005) and 1882 (2009), to support the efforts all parties should take pursuant to paragraph 13 above, to bring to the attention of the Council all individuals identified as perpetrators of serious human rights violations and to keep the Committee established under resolution 1572 (2004) regularly informed of developments in this regard,

(f) Support for humanitarian assistance

– To facilitate the free flow of people, goods and humanitarian assistance, inter alia, by contributing to enhance security and taking into account the special needs of vulnerable groups, especially women, children, elderly people, persons with disabilities and displaced persons,

Contributing to the electoral process and to the identification of the population

(g) Support for the organization of open, free, fair and transparent elections

– To provide, within its capabilities and its areas of deployment, technical and logistical support to the Independent Electoral Commission which is responsible for the preparation and the holding of the elections, including to enable the Independent Electoral Commission to continue the appeals process, to distribute the provisional and the final voters lists, to sensitize the media, to distribute identity cards and voters cards and to distribute and secure sensitive electoral materiel, notably ballot papers,

– To work with all relevant actors in implementing the agreed security plan for the elections, and, in particular, to contribute to securing the high risks areas where voting is to take place,

– To ensure the coordination of international observers, and to contribute to their security, within its capabilities and areas of deployment,

– To provide to the Special Representative of the Secretary-General the necessary assistance to fulfil his role of certification of the electoral process consistent with paragraph 4 above,

– To monitor the implementation of the Code of Good Conduct for elections and the efforts of the Ivorian authorities in guaranteeing an equitable access to public media, in particular in the electoral context, and to keep the Committee regularly informed of the situation,

– To regularly inform the Security Council of any threat to the electoral process, as defined in paragraph 11 of its resolution 1911 (2010) and to bring to its attention all individuals identified as responsible for such a threat,

(h) Operations of identification of the population

– To contribute, within its capabilities and its areas of deployment, to the support provided by the United Nations country team and other relevant actors to the process of identification of the population,

Contributing to the other remaining tasks of the peace process

(i) Disarmament, demobilization, storage of weapons and reintegration of former combatants of the two parties and members of militias

To support the Integrated Command Centre in conducting the processes of:

- disarmament and secure storage of weapons of former combatants of the two parties,
- demobilization of the former combatants of Forces nouvelles,
- disarmament, storage of weapons and dismantling of militias,

– To assist the Ivorian authorities in particular in moving forward with the implementation of planned training of the former combatants of the Forces nouvelles selected to join the ranks of the future National Army who are to be cantoned in Bouake, Korhogo, Man and Seguela, including in the area of human rights and international humanitarian law,

– To contribute to the reintegration of former combatants and members of militias and to encourage donors to continue to support initiatives in this regard,

(j) Support to redeployment of Ivorian state administration and Justice throughout the country

– To support, within its capabilities and its areas of deployment, enhancing the security conditions to enable the Ivorian Government and UN agencies to identify and implement peacebuilding priorities throughout the country,

– To assist the Government of Côte d'Ivoire in conjunction with relevant regional organizations in re-establishing the authority of the judiciary and the rule of law throughout Côte d'Ivoire,

(k) Reform of the security sector

– To advise the Government of Côte d'Ivoire, as appropriate, on security sector reform and the organization of the future National Army, including on establishing an effective vetting mechanism, in accordance with international standards,

– To contribute, as appropriate, to the development by the Ivorian authorities of the capacities of the police and gendarmerie, in particular through crowd control training, and to restoring their presence throughout Côte d'Ivoire,

Other tasks

(l) Facilitation

– To coordinate with the Facilitator and his Special Representative in Abidjan, to assist them in the conduct of the facilitation, as needed and appropriate and within available means, including by providing logistical support to the office of the Special Representative,

(m) Protection of United Nations personnel

– To protect United Nations personnel, installations and equipment, and ensure the security and freedom of movement of United Nations personnel;

17. *Authorizes* UNOCI to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment;

18. *Calls upon* all parties to cooperate fully in the operations of UNOCI and of the French forces which support it, in particular by guaranteeing their safety, security and freedom of movement with unhindered and immediate access, as well as associated personnel, throughout the territory of Côte d'Ivoire, to enable them to fully carry out their mandates;

19. *Decides* that UNOCI will comprise a maximum of 7392 authorized military personnel, maintaining the current combined total authorized strength at 8650 personnel, including a maximum of 7200 troops and staff officers and 192 military observers, and a maximum of 1250 police personnel and 8 seconded customs officers;

20. *Expresses* its intention to consider raising for a limited period of time, prior to and after the elections, the level of authorized military and police personnel up to a total of no more than 500 additional personnel, and *requests* the Secretary-General in this regard to continue to update it on his technical analysis in a timely manner for its consideration;

21. *Welcomes* the intention expressed by the Secretary-General in paragraphs 97 and 99 of his report S/2010/245 to reconfigure UNOCI to increase its presence in the identified high risk areas and to strengthen the capabilities of its force reserve;

22. *Requests* the Secretary-General to continue to include in his reports relevant information on progress on the promotion and protection of human rights and international humanitarian law as well as on the strengthening of the rule of law, including on ending impunity in Côte d'Ivoire, with special attention to violence committed against children and women, and on progress on gender mainstreaming throughout UNOCI and all other aspects relating to the situation of women and girls, especially in relation to the need to protect them from sexual and gender-based violence and consistent with its resolutions 1325 (2000), 1612 (2005), 1820 (2008), 1882 (2009), 1888 (2009) and 1889 (2009);

23. *Requests* the Secretary-General to continue to take the necessary measures to ensure full compliance in UNOCI with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and *urges* troop-contributing countries to take appropriate preventive action including pre-deployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

24. *Decides* to extend until 31 December 2010 the authorization the Security Council provided to the French forces in order to support UNOCI, within the limits of their deployment and their capabilities;

25. *Underscores* the importance that the military and police concepts of operations and the rules of engagement be brought fully in line with the provisions of this resolution, in particular paragraphs 15 to 19 above, and *requests* the Secretary-General to report on them to the Security Council and to Troop and Police Contributing Countries;

26. *Requests* the Secretary-General to monitor progress on the achievement of the existing benchmarks and to prepare a new set of benchmarks for a possible drawdown of the force, taking fully into account the necessary consolidation of the stability of the country;

27. *Underscores* the importance that the Ivorian security forces, in order to use only appropriate and proportionate force while maintaining public order, be equipped with appropriate crowd control equipment, consistent with the arms embargo imposed by paragraph 7 of resolution 1572 (2004) and the exemption procedure set out in paragraph 8 alinea b and e of resolution 1572 (2004);

28. *Requests* the Secretary-General to inform it of the publication of the final voters list and to provide to it a mid term report no later than 22 October 2010 and a full report no later than 30 November 2010 on the situation on the ground, the implementation of this resolution, and on the revised benchmarks referred to in paragraph 26 above and which includes possible adjustments in UNOCI's structure and strength and *requests further* the Secretary-General to submit to it recommendations in this regard as appropriate;

29. *Expresses its intention* to review the mandate, structure and strength of UNOCI, the authorization provided to the French forces which support it and the benchmarks referred to in paragraph 26 above by 31 December 2010, and to consider all options including those listed in the Secretary-General's report of 20 May 2010 (S/2010/245), in light of the consolidation of the stability of the situation, the implementation of the key steps of the peace process, the status of elections, and the political will demonstrated by the Ivorian parties;

30. *Decides* to remain actively seized of the matter.